

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

STEPHEN JACOB PONSLER and SUSAN  
PONSLER,

Plaintiffs,  
*-against-*

OAKWOOD MADISON, OAKWOOD  
WORLDWIDE, LP, EXECUSTAY CORP.,  
MARRIOTT INTERNATIONAL, INC.,  
DAYTON HOLDINGS INTERNATIONAL  
NC, MAPLETREE INVESTMENTS PTE  
LTD, BRENDA JAMES, and REGINALD  
ELZEY,

Defendants.

**ORDER**

21-cv-2125 (ER)

**RAMOS, D.J.:**

On December 18, 2022, Plaintiff Susan Ponsler communicated to the Court via email that Plaintiffs intend to proceed *pro se* (see below). When the email was received, the Court did not appreciate that it did not copy all counsel. Plaintiffs have been directed to file the Notice of *Pro Se* Appearance and the Consent to Electronic Service.

Thus, Defendants' motion to request that the matter be dismissed for Plaintiffs' failure to prosecute (Doc. 77) is denied. The Clerk of Court is respectfully requested to terminate the motion, Doc. 77.

SO ORDERED.

Dated: December 22, 2022  
New York, New York



Edgardo Ramos, U.S.D.J.

**From:** [sponsler84@comcast.net](mailto:sponsler84@comcast.net)  
**To:** Chambers NYSD Ramos  
**Subject:** 21-CV-2125 Response to Order dated October 18, 2022  
**Date:** Sunday, December 18, 2022 10:22:11 PM

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**CAUTION - EXTERNAL:**

Dear Honorable Edgardo Ramos;

To start, I'd like to thank you for allowing us the 60 days to secure new counsel. I have spent multiple hours sending emails and making calls to a number of New York law firms with no success. Of those who let me past their 'intake' interview to speak directly with an attorney, I was told there was a conflict with Marriott or given an explanation citing a case (Cornell vs. 360 W. 51<sup>st</sup> St. Realty) making winning a mold case in New York next to impossible. I have also had conversations with a Texas firm (Well Law, focused on mold litigation) who once had a presence in New York but can no longer take those cases due to lack of retaining a NY licensed attorney willing to take the risk in any case involving mold.

At the onset of the mold discovery at the apartment in question, we asked only that our expenses be reimbursed. We were told that if we turned over our mold reports with an itemized list of losses and expenses, we would indeed be reimbursed. We were strung along for many months with assurances that reimbursement was coming, only to be told in the end that we would have to file a lawsuit to get any reimbursement. So here we are with thousands of hours and thousands of dollars spent on this matter, but losing our representation.

You offered that we could proceed pro se. We realize that we are in over our heads as we do not have legal backgrounds. However, a minuscule chance has better odds than no chance. So with that thought in mind, and with the hope that our case might bring awareness to the seriousness of toxic mold in home environments, we are electing to move forward representing ourselves.

Attached please find a signed document found on the SDNY forms page Notice of Pro Se Appearance, along with the Consent to Electronic Service. I am studying the information on the SDNY website on self representation, and will do my best to not waste your time.

Thank you for your consideration,

Susan Ponsler

[Sponsler84@comcast.net](mailto:Sponsler84@comcast.net)  
[317-201-8563](tel:317-201-8563)